IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Bail Appl..No. 7446 of 2006()

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AGAINST THE ORDER DATED / / IN CMP 6241/2006. IN CMP.6240/2006 of J.M.F.C.,ALATHUR
Crime No.579/06 of Vadakkenchery Police Station

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: PETITIONER/4TH ACCUSED

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ABDUL RAZAK, S/O.KIDAR MUHAMMED,
36 YEARS, PALLIMEDU, ATHICODE,
CHITTOOR (CUSTODY).

BY ADV. SRI.M.V.PAULOSE

RESPONDENT: COMPLAINANT

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CIRCLE INSPECTOR OF POLICE,
VADAKKANCHERRY POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V. Ramkumar, J.**

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**B.A.No.7446 of 2006**

**==========**

**Dated this the 15th day of December, 2006.**

**ORDER**

Petitioner, who is the fourth accused in Crime No.579 of 2006 of Vadakkenchery Police Station for an offence punishable under Section 55(a) of the Abkari Act for allegedly pioleting a lorry containing 11800 liters of spirit on 5.12.2006 and who was arrested on the same day, seeks his enlargement on bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that the lorry containing contraband spirit was pioleted by a Tata Sumo car and when the Deputy Superintendent of Police signaled the lorry driver to stop the vehicle, ignoring the directions of the Police, the lorry driver attempted to escape. When the lorry reached Mangalam bridge, the driver stopped the lorry and got into the Tata Sumo car bearing registration No.KL 8K 6613 proceeding in frond of the lorry as a piolet. The Tata Sumo car was chased by the police party and the driver of the lorry

and the petitioner besides the others were arrested. The police are hotly probing into the source of the spirit and the ramifications of the racket involved. I am not satisfied that both the grounds enumerated under Section 41A(b)(ii) of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This petition is accordingly dismissed.

V.Ramkukmar,
Judge.

ess 15/12